

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RHONDA FREEMAN,

Plaintiff

v.

CITY OF PHILADELPHIA, et al.,

Defendants

NO. 2:19-cv-04105-JDW

ORDER

AND NOW, this 2nd day of July, 2020, upon consideration of Defendant's Second Motion to Dismiss for Failure to State a Claim (ECF No. 20), it is **ORDERED** that, for the reasons stated in the accompanying Memorandum, the Motion is **GRANTED**.

It is **FURTHER ORDERED** that, to the extent Plaintiff's Amended Complaint asserts a claim for liability under 42 U.S.C. § 1983, the claim is **DISMISSED WITHOUT PREJUDICE**. To the extent the Amended Complaint asserts a claim for negligence or some other tort under state law, the claim is **DISMISSED WITH PREJUDICE**.

It is **FURTHER ORDERED** that Plaintiff may file a Second Amended Complaint, consistent with this Order and the Court's Memorandum, on or before July 17, 2020.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.